



FARMERS BRANCH

ORDINANCE NUMBER 2980

AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, BY GRANTING A SPECIFIC USE PERMIT TO ALLOW INDOOR AUTOMOTIVE SALES, LIMITED REPAIR, MODIFICATIONS, UPGRADES, AND ACCESSORY INSTALLATION IN AN EXISTING BUILDING OF APPROXIMATELY 25,000 SQUARE FEET, LOCATED ON A LOT OF 2.0065 ACRES AT 13840 DENTON DRIVE, GENERALLY LOCATED 300 FEET SOUTH OF THE SOUTHEAST CORNER OF DENTON DRIVE AND DIPLOMAT DRIVE, WITHIN THE PLANNED DEVELOPMENT NO. 70-OLD FARMERS BRANCH-GENERAL BUSINESS SUBDISTRICT (PD-70-OFB-GB) ZONING DISTRICT; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND (\$2,000.00) DOLLARS; PROVIDING FOR INJUNCTIVE RELIEF; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Farmers Branch deems it necessary, for the purpose of promoting the health, safety, morals, or general welfare of the City to enact a new zoning ordinance; and

WHEREAS, the City Council has appointed a Planning and Zoning Commission to recommend the boundaries of the various original zoning districts and appropriate regulations be enforced therein and to recommend a new zoning ordinance to amend the Comprehensive Zoning Ordinance; and

WHEREAS, the Planning and Zoning Commission has divided the City into districts and has prepared regulations pertaining to such districts in accordance with a comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health, general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; and

WHEREAS, the Planning and Zoning Commission, has given reasonable consideration, among other things, the character of the districts and their peculiar suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City; and

WHEREAS, the Planning and Zoning Commission of the City of Farmers Branch and the City of Farmers Branch City Council, in compliance with the Charter of the City of Farmers Branch, and state law with reference to the granting of changes to the zoning classifications under the Zoning Ordinance Regulations and Zoning Map, have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally, and to the persons interested and situated in the affected area and in the vicinity thereof, the City of Farmers Branch City Council is of the opinion that due to a change in condition and in order to protect the public health, welfare and safety, said change in zoning should be made.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS:

SECTION 1. That all matters stated in the preamble are found to be true and correct and are incorporated herein as if copied in their entirety.

SECTION 2. That the Comprehensive Zoning Ordinance of the City of Farmers Branch, Texas, be, and the same is hereby amended, by amending the Zoning Map of the City of Farmers Branch so as to grant a Specific Use Permit to allow indoor automotive sales, limited repair, modifications, upgrades, and accessory installation, in an existing building of approximately 25,000 square feet, located on a 2.0065-acre lot at 13840 Denton Drive, generally located 300 feet south of the southeast corner of Denton Drive and Distribution Drive within the Planned Development No. 70-Old Farmers Branch-General Business Subdistrict (PD-70-OFB-GB) zoning district (hereinafter the "Property"), as described in Exhibit "A" and depicted in Exhibit "B," subject to the terms and conditions contained herein.

SECTION 3. That the Property shall conform in operation, location and construction to the development standards specified within the PD-70-OFB-GB zoning district and in accordance with the approved site plan attached as Exhibit "C", the approved plan of operation attached as Exhibit "D" and subject to the following conditions:

1. There shall be no outside automobile sales or repair activities on this site.
2. Outside storage shall be limited to the concrete parking area on the east side of the existing building and limited to short term parking of operable vehicles and vehicle transport trailers. Outside storage shall not exceed 15 percent (3,750) square feet of the existing building's floor area, or a maximum of 21 vehicles.

3. The applicant shall screen the two dock doors on the west side of the building with an opaque screening material to prevent visibility into the building, subject to staff approval, before issuance of a Certificate of Occupancy.

SECTION 4. If any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be judged invalid or unconstitutional, the same shall not affect the validity of this ordinance as a whole or any portion thereof other than that portion so decided to be invalid or unconstitutional.

SECTION 5. That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Farmers Branch and upon conviction shall be punished by a fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense.

SECTION 6. In addition to and accumulative of all other penalties, the City shall have the right to seek injunctive relief for any and all violations of this ordinance.

SECTION 7. This ordinance shall take effect immediately from and after its passage as the law in such case provides.

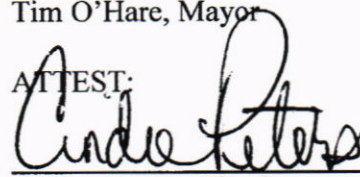
DULY PASSED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, on this the 17th day of June, 2008.

APPROVED:



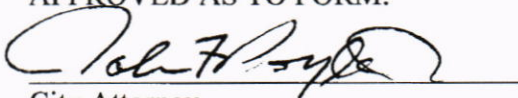
Tim O'Hare, Mayor

ATTEST:



Cindee Peters, City Secretary

APPROVED AS TO FORM:



City Attorney

(Reviewed by Atty. J. Boyle 6/04/08)

Exhibit "A" Legal Description

Lot 2, Block A, of REPLAT OF WIMBERLY SUBDIVISION, an addition to the City of Farmers Branch, Dallas County, Texas, according to the map thereof recorded in Volume 2003069, Page 137, of the map Records of Dallas County, Texas, and containing 87,405 square feet or 2.0065 acres of land, more or less.

Exhibit "B" Locator Map

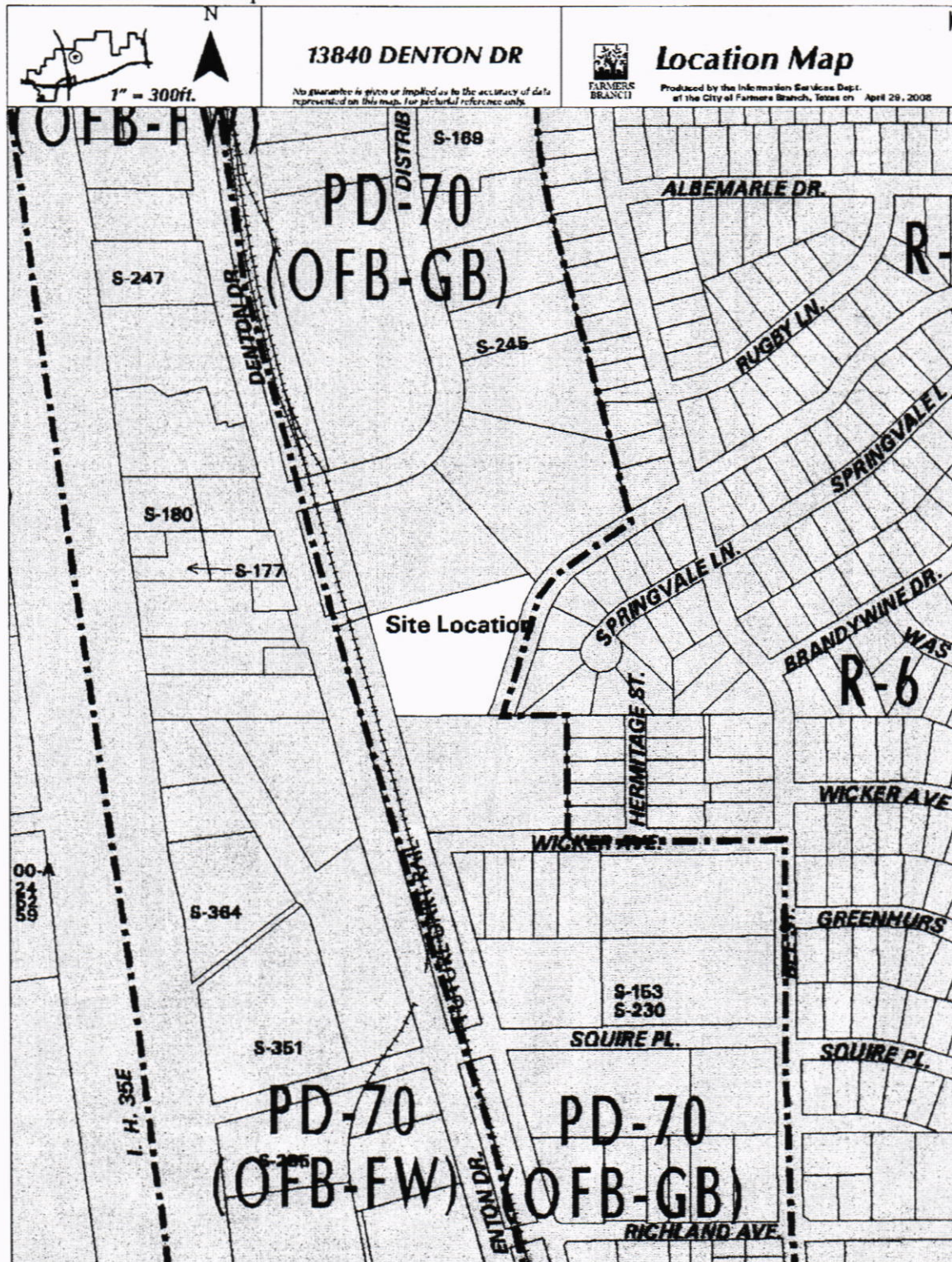


Exhibit "C" Site Plan

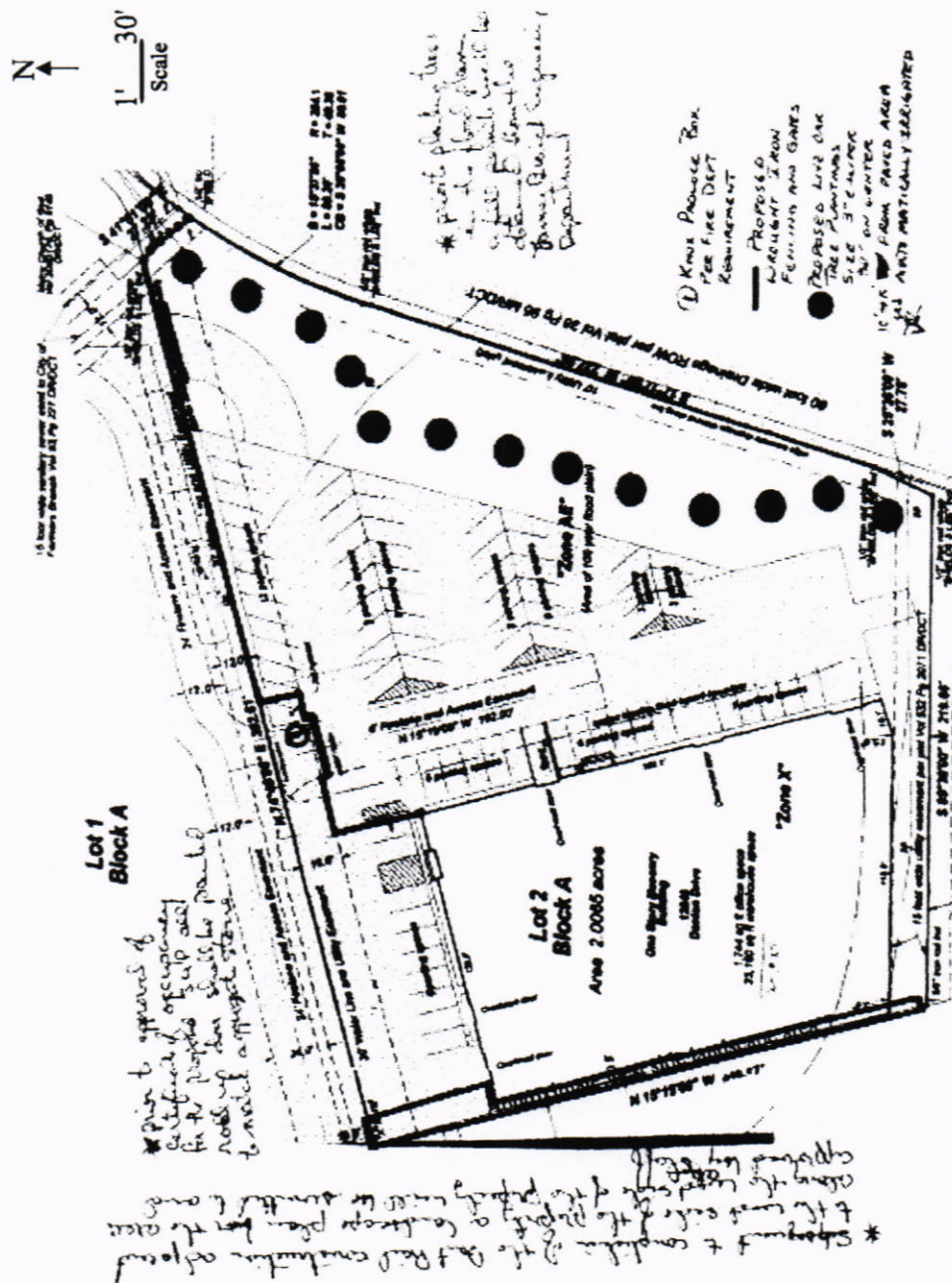


Exhibit "D" Plan of Operation



Planning & Zoning Commission of the City of Farmers Branch
Application for Specific Use Permit

PLAN OF OPERATION

All non-residential uses must provide the following information with the application:

Describe proposed use automotive restyling and classic car
repair and sales

Indicate hours of operation of the proposed use Monday through Friday,
8 am to 5 pm

Total number of employees 10

Indicate if any storage is proposed outside the building automobile trailer holding two
vehicles and occasional short term parking of automobiles occupying
less than 15% of the building area

Indicate if any activity is proposed outside the building none other than above
mentioned storage

Any other relevant unique information on the business or site none

Five Star Ford

10' x 10' space

6 cars